

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MEDLINE INDUSTRIES, LP

Plaintiff,

v.

C.R. BARD, INC.

Defendant.

Civil Action No. 1:14-cv-03618

The Honorable John Z. Lee

MEDLINE'S MOTION FOR SANCTIONS

Plaintiff Medline Industries, LP (“Medline”) respectfully requests that the Court sanction Defendant C.R. Bard, Inc. (“Bard”) for discovery misconduct. As explained in the accompanying memorandum, Bard failed to produce in this case a 2018 survey of clinicians that directly contradicts positions Bard took in expert reports and in summary judgment and *Daubert* briefing. Had Bard complied with its discovery obligations, Medline and the Court would have been spared substantial time and resources. For the reasons set forth in detail in Medline’s accompanying memorandum, Bard’s discovery failure warrants sanctions.

Local Rule 37.2 Statement: Nathaniel Love, counsel for Medline, sent a letter to counsel for Bard on July 25, 2022, identifying Bard’s discovery failure, requesting Bard’s agreement to appropriate remedies, and requesting to meet and confer. Cronin Decl. Ex. 10. Marc Kaplan, counsel for Medline, responded by letter on July 31, 2022, maintaining that no discovery violation had occurred. Cronin Decl. Ex. 11. The parties met and conferred by telephone at 3:30 PM on August 2, 2022, with Nathaniel Love, Gwen Stewart, and Courtney Cronin participating on behalf of Medline, and Marc Kaplan, Scott Watson, and Bianca Fox participating on behalf of Bard. The parties remained at an impasse; however, Bard asked several questions concerning

Medline's position, which Medline responded to verbally and by a follow-up email sent on August 3, 2022. Cronin Decl. Ex. 14. Bard responded to that email on August 4, 2022, and its response confirmed that the parties remained at an impasse, as Medline explained in a further email on August 5, 2022. Throughout these exchanges, Bard maintained its position that it had no obligation to produce the 2018 survey in the present case, necessitating this motion.

Dated: August 5, 2022

Respectfully submitted,

/s/ Thomas D. Rein

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served by CM/ECF on August 5, 2022 to all counsel of record.

/s/ Thomas D. Rein